United Nations S/2015/441

Security Council

Distr.: General
16 June 2015

Original: English

Letter dated 16 June 2015 from the Chair of the Security Council Committee pursuant to resolutions 1267 (1999) and 1989 (2011) concerning Al-Qaida and associated individuals and entities addressed to the President of the Security Council

I have the honour to transmit herewith the seventeenth report of the Analytical Support and Sanctions Monitoring Team established pursuant to resolution 1526 (2004), which was submitted to the Security Council Committee pursuant to resolutions 1267 (1999) and 1989 (2011) concerning Al-Qaida and associated individuals and entities, in accordance with paragraph (a) of annex I to resolution 2083 (2012).

I should be grateful if the present letter and the report could be brought to the attention of the members of the Security Council and issued as a document of the Council.

(*Signed*) Gerard **van Bohemen**
Chair
Security Council Committee pursuant to resolutions 1267 (1999) and 1989 (2011) concerning Al-Qaida and associated individuals and entities

15-05216 (E) 230615

Please recycle

Seventeenth report of the Analytical Support and Sanctions Monitoring Team submitted pursuant to resolution 2161 (2014) concerning Al-Qaida and associated individuals and entities

Contents

		Page
I.	Summary	3
II.	Threat	3
	A. Core Al-Qaida	4
	B. Islamic State in Iraq and the Levant	4
	C. Al-Qaida in the Arabian Peninsula	5
	D. Afghanistan	6
	E. South and Central Asia	7
	F. Al-Qaida affiliates in the Sahel and North Africa	8
	G. Boko Haram	10
	H. South-East Asia	11
	I. Al-Shabaab	13
III.	Next steps	13
IV.	Legal challenges to the sanctions regime	14
V.	Sanctions measures	16
	A. Assets freeze	16
	B. Advancing targeted sanctions: basic expenses	17
	C. Travel ban	18
	D. Arms embargo	19
	E. Monitoring Team activities	21
	F. Al-Qaida Sanctions List	22
	G. Website of the Al-Qaida Sanctions Committee	23
	H. Feedback	23
Annex		
	Litigation relating to individuals and entities on the Al-Qaida Sanctions List	24

I. Summary

1. The threat posed by the global Al-Qaida[1] movement continues, animated mostly by the interrelated challenges of foreign terrorist fighters, the role of the Islamic State in Iraq and the Levant (ISIL)[2] and the growing problems in Libya. The human cost of Al-Qaida and ISIL terrorism is widespread, both in areas where they are most active and in a range of external attacks that have taken place in cities in other regions. In addition to the daily abuses for which ISIL and Al-Qaida-associated groups are responsible, their increasingly horrific propaganda is a growing concern.

2. Sanctions remain as much a disruptive as a preventive tool. The scale of the contemporary challenge posed by these groups and their networks means that sanctions can be only one part of an integrated international and national response. However, the greater focus placed on strategic listings of individuals most relevant to the threat and potentially vulnerable to targeted sanctions is welcome. The present report includes recommendations, including with regard to improving the quality and reach of the Al-Qaida Sanctions List.

II. Threat

3. Terrorism dominates the contemporary news agenda. As ISIL, an Al-Qaida splinter group, continues to pollute the digital world with its extensive and offensive propaganda, it is important to note that the rhetoric of groups such as ISIL falls short of reality. While these groups pose a threat to international peace and security, and a pronounced threat to the populations most vulnerable to them, they still kill and injure far fewer people than wars, disasters or road-traffic accidents. Even so, Al-Qaida and its associates, including ISIL, kill thousands, and the response needs to be serious and sustained.

4. A worrisome trend over the past year has been the growth of high-definition digital terror: the use of propaganda, primarily by ISIL and its sympathizers, to spread fear and promote their distorted ideology. The Internet eliminates distance, while social media facilitate peer-to-peer influence between a terrorist based in a remote part of the Syrian Arab Republic and potential recruits anywhere else in the world. While recruitment and radicalization appear to be phenomena that still require direct human contact in the majority of cases, the scale of the digital activity linked to ISIL and, to a lesser extent, some Al-Qaida affiliates is of deep concern. This has strategic implications for how the threat will evolve in the future, not least among the diverse, dispersed and not necessarily demobilized diaspora of foreign terrorist fighters.

5. If the digital space is the realm in which the threat may be evolving, the physical world remains the focus of the immediate threat. The human cost of Al-Qaida- and ISIL-related attacks in recent months has been enormous, and includes major bombings, assassinations and the exploitation of several million people in Iraq, the Syrian Arab Republic and, to a lesser but no less significant extent, populations in parts of Afghanistan, Libya, Nigeria, Somalia and Yemen. This includes rape and sexual violence, used at scale by ISIL. The group's

[1] Listed under permanent reference number QDe.004.

[2] Currently listed as Al-Qaida in Iraq (QDe.115).

justification of and extensive exploitation of women and young girls for sexual slavery is the most vivid example of how its heady rhetoric about a new society sits alongside base brutality and violence. Boko Haram, listed as Jama'atu Ahlis Sunna Lidda'Awati Wal-Jihad (QDe.138), is a very similar organization, just as brutal albeit less capable when it comes to propaganda.

A. Core Al-Qaida

6. Al-Qaida remains overshadowed by the attention paid to its splinter group, ISIL. Pakistan's military operations in North Waziristan have further reduced its ability to find safe haven, and Aiman Muhammed Rabi al-Zawahiri (QDi.006) continues to have a lower profile than the many propagandists of ISIL. Although the attack on the newspaper *Charlie Hebdo* carried out in Paris in January 2015 was claimed by Al-Qaida in the Arabian Peninsula (AQAP) (QDe.129) on behalf of Al-Qaida, there is no evidence that Al-Qaida itself was involved in the commissioning or planning of the attack. Al-Zawahiri's grip on affiliates appears to be weakening, with the 25 February 2015 defection of Boko Haram to ISIL and reports the same month that selected AQAP cadre members in Yemen were transferring their loyalties to ISIL. Al-Qaida's financial position remains precarious compared with that of ISIL, although there are some indications of renewed flows of funds to the group. Terrorists linked to Al-Qaida continue to be present in other conflict zones such as the Syrian Arab Republic and Yemen, including some who are persisting in efforts to conduct external operations.

B. Islamic State in Iraq and the Levant

7. Since November 2014, when the Monitoring Team last reported on ISIL (see S/2014/815), the group has continued to attract significant media attention, not least through the use of extraordinarily brutal forms of torture and murder, frequently filmed for maximum effect. The group continues to control populations in significant parts of Iraq and the Syrian Arab Republic. It maintains a distinct identity apart from Al-Qaida, emphasizing its claim to be a so-called "state" and promoting an extreme ideology in an effort to attract more foreign terrorist fighters and their families.

8. On the ground, the situation has changed, but not significantly. ISIL has suffered its first major reverse, the loss of the symbolic town of Kobani, Syrian Arab Republic, in January 2015 after a four-month campaign to seize it.[3] Despite this setback, the group has maintained a presence and capabilities in Iraq and has not abandoned its resolve to advance its proclaimed state project. There are some indications that the finances of ISIL are tightening, although it still has access to multiple types of resources[4] within the territories it currently dominates. ISIL has lost hundreds of terrorists in clashes with Iraqi and Syrian government forces and various Kurdish forces. Abu Bakr al-Baghdadi, listed as Ibrahim Awwad Ibrahim Ali al-Badri al-Samarrai (QDi.299), continues to be the central figure, assisted by his deputies and so-called ministries.[5] The group has developed a fairly effective

[3] Richard Spencer, "Islamic State pushed out of Kobane by Kurdish troops after four-month battle", *The Telegraph*, 27 January 2015.

[4] See S/2014/815, chap. V.

[5] Information provided by Member States.

operational structure organized into various areas of responsibility and supported by administrative and logistical structures. A strong focus has been placed on internal security measures in an attempt to protect its leaders, who operate largely in urban and semi-urban environments; however, these measures, including greater screening of arriving foreign terrorist fighters, may in turn create frictions within the command and control system and increase internal differences among ISIL personnel.

9. ISIL continues to benefit from a significant incoming flow of foreign terrorist fighters, and it remains to be seen whether efforts by Member States to disrupt departures will sufficiently squeeze that supply. The incoming fighters reinforce the group's manpower, position and appeal. The multifaceted digital propaganda campaign of ISIL makes extensive use of social media and the Internet in order to spread fear, cultivate a diverse set of global supporters and exploit sectarian divisions, along with regional conflicts to seek support. Attacks on cultural targets underline the group's wider ideology of extremism and intolerance.

10. The early successes and continuing existence of ISIL mean that it can claim to have achieved what Al-Qaida never did: the building of a territorial entity through terrorist violence. This continues to trigger a series of expressions of loyalty or sympathy from a range of Al-Qaida associates internationally, although it is debatable how much of this is driven by a real willingness to follow Al-Baghdadi and how much is driven by a desire to exploit the notoriety of ISIL and potentially gain access to ISIL funding streams. It remains to be seen whether ISIL can sustain its presence and strategy in the medium to long term in the face of a concerted set of efforts to confront it, including military action by Iraq and the Syrian Arab Republic, aerial attacks by a multilateral coalition and international efforts to disrupt ISIL funding and supply of foreign terrorist fighters. Much of the group's ultimate impact on the Al-Qaida movement will depend on whether others who have pledged allegiance to it upgrade their primarily rhetorical ties to operational ties.

C. Al-Qaida in the Arabian Peninsula

11. AQAP continues to pose a current threat, both in Yemen (where it can exploit the current political crisis and open fighting between the Government and rebels) and in terms of external attack planning. A chilling reminder of the group's broader reach was provided in January 2015, when AQAP-trained French national Said Kouachi (not listed) and his brother Cherif (not listed) murdered 12 people in Paris in an attack that targeted the satirical newspaper *Charlie Hebdo*. *Charlie Hebdo* had been on the AQAP target list for some time, including being named in the AQAP English-language magazine *Inspire* in 2013. The Paris attacks illustrate once again that AQAP remains actively involved both in planning external attacks and in supporting others who wish to carry out such attacks. Two weeks after the attacks, Nasser bin Ali al-Ansi (not listed), an AQAP senior leader, called for lone-wolf strikes in Western countries.[6]

[6] See, for example, "Al Qaeda official who claimed responsibility for Charlie Hebdo attack calls for 'lone wolf' terror in Canada", *The National Post*, 20 January 2015.

12. Inside Yemen, AQAP continues to attack security forces and can exploit access not only to arms and ammunition, but also to army facilities, as when it took control of a military base in southern Yemen in February 2015. AQAP is also in a position to exacerbate and benefit from sectarian differences within Yemen. Furthermore, competition with the Sana'a *wilayat* (province) of ISIL, which in March 2015 claimed responsibility for the execution of 29 Yemeni soldiers and an attack that killed 137 people in a mosque in Sana'a, could lead AQAP to engage in a more deadly terror campaign in a quest for supremacy.

D. Afghanistan

13. Over the past six months, the threat posed by Al-Qaida and associates inside Afghanistan has become more visible. Al-Qaida and associates remain a serious threat to the security and stability of Afghanistan and the wider region.[7] Senior figures in Al-Qaida such as Abu Bara al-Kuweiti, Abu Khalid and Adil Abdul Qadoos were killed in October and November in the Afghanistan-Pakistan border region.[8] In addition to the continued presence of groups operating from the Afghanistan-Pakistan border region, such as Tehrik-e Taliban Pakistan (TTP) (QDe.132), Harakat ul-Mujahidin (HUM) (QDe.008) and Lashkar-e-Tayyiba (QDe.118), the Islamic Movement of Uzbekistan (IMU) (QDe.010) remains a serious challenge for the security forces of Afghanistan. Large-scale and sustained operations by Pakistani military personnel resulted in the displacement of local as well as international elements of those groups across the border into Afghanistan.

14. Within Afghanistan, security forces increasingly encounter propaganda material related to ISIL. In addition, on 26 January 2015, Abou Mohamed al Adnani (QDi.325) announced in an audio statement the establishment of a new ISIL "province" in Khorasan.[9] In the statement, Adnani named Hafez Saeed Khan (not listed), a former commander of TTP, as the "governor" of the "province" and Abdul Rauf Khadem (TAi.025) as "deputy governor".[10] This announcement followed a string of pledges of allegiance by individual fighters and commanders of TTP to ISIL leader Al-Baghdadi during the second half of 2014. The establishment of a new ISIL "province" in the region, whatever its actual operational capabilities, presents a clear power challenge not only to the Afghan Taliban,[11] Mullah Omar[12] and

[7] S/2014/888, paras. 27-42.

[8] A Member State confirmed to the Team that one of the close friends of Al-Zawahiri, Abu Bara al-Kuweiti, was killed on 19 October 2014 in Nangarhar Province. His notes and, in particular, his computer provided information on the presence of further Al-Qaida operatives in the region. Among these were Abu Khalid and Major (Ret.) Adil Abdul Qadoos. Both were killed in mid-November 2014.

[9] See, for example, "Islamic State appoints leaders of 'Khorasan province', issues veiled threat to Afghan Taliban", *The Long War Journal*, 27 January 2015. Khorasan is a historic name commonly understood to be the region combining the territories of Afghanistan, Pakistan and their neighbouring countries.

[10] According to Member State information, Khadem was killed in Helmand Province at the beginning of February 2015.

[11] Although it is not yet clear whether ISIL is currently able to mount an operational challenge against the Afghan Taliban, Afghan media reported the killing of a Taliban commander in Logar Province by an alleged ISIL hit squad. See for example, Abdul Maqsud Azizi, "IS fighters kill Taliban commander, warn TV viewers", *Pajhwok Afghan News*, 2 February 2015.

[12] Listed on the 1988 Sanctions List as Mohammed Omar Ghulam Nabi (TAi.004).

Al-Qaida associated groups in the region, but also directly to core Al-Qaida and its current leader Al-Zawahiri.

15. According to Member State information, core Al-Qaida in the region has taken on a defensive posture in the light of the challenge presented by ISIL. Al-Zawahiri did not publicly react to the latest ISIL challenge, the establishment of a "province". Member States also reported to the Team that, while the growing prominence of ISIL had not yet negatively influenced the financial situation of core Al-Qaida, the financial situation of the group around Al-Zawahiri remained challenging. Nevertheless, while global attention has shifted to the situation in Iraq and the Syrian Arab Republic, core Al-Qaida continues to be broadly active. Member States confirmed to the Team that a number of prominent Western foreign terrorist fighters had left the region and were reported to be en route to the Syrian Arab Republic. However, currently, their numbers remain small. This might be explained in part by the logistical and security challenges involved in travel between Afghanistan and ISIL-held territories in Iraq and the Syrian Arab Republic.

E. South and Central Asia

16. In South and Central Asia, the groups associated with Al-Qaida have grown in number, but its weakening core continues to fail to unite them in any coherent way. ISIL has extended its influence to South Asia through its branding and international media attention. Pakistan's military operations have substantially depleted the capability of Al-Qaida affiliates and squeezed their presence. The drawdown of international forces from Afghanistan may embolden Al-Qaida regional affiliates to return to and fight in Afghanistan. Foreign terrorist fighters and returnees may have a negative impact on the situation in the future.

17. Al-Qaida in the Indian Subcontinent (AQIS) (not listed) has made a significant amount of noise, but has had less evident success in establishing itself. Despite its claim that it began operations even before being formally announced in September 2014, its first major attacks were both significant failures. After the group's first major operation against the Pakistan navy failed in early September 2014, its second attempt, to raid the Pakistan naval dockyard in Karachi, was thwarted in December 2014.[13] It has, however, taken credit for several killings.[14] On 21 February 2015, AQIS called on Pakistani religious scholars and "people of faith" to rally support for the Afghan Taliban, reinforcing core Al-Qaida's connection to the Taliban.

18. TTP has suffered infighting and splits and, more substantially, has lost its headquarters in Mir Ali and Miranshah as a result of Pakistani military operations. Although weakened, it still poses a threat in Pakistan and the wider region. Confusion over an apparent pledge of loyalty to ISIL by the leaders and a number of the factions of TTP demonstrates how the pull of ISIL is still countered by the appeal of long-standing loyalties for these groups. TTP has burnished its reputation for brutality in its attack on the Army Public School in Peshawar, killing 141 on 16 December 2014. Responses to the attack demonstrated continuing divisions among regional groups,

[13] "Pakistan arrests Al-Qaeda militants ahead of planned raid on naval dockyard", *Wall Street Journal*, 11 December 2014.

[14] "AQIS reports on attacks in Karachi from November 2013-October 2014, targets police, a blogger and a professor", *SITE Intelligence Group*, 11 December 2014.

with AQIS and the Afghan Taliban condemning the attack but IMU and other terrorist groups in the region supporting it.[15] TTP has since threatened further attacks.[16]

19. Lashkar-e-Tayyiba is active in Afghanistan, India and Pakistan and maintains an extensive network in the broader region. It remains actively involved in terrorist actions in Afghanistan and Jammu and Kashmir, maintaining significant terrorist capabilities and drawing on generous financial resources. Its two front organizations, Jamaat-ud-Dawa and Falah-i-Insaniyat Foundation, remain active in fundraising and social activities, as evidenced by the detailed evidence that they themselves publish on social media.

20. IMU remains a close ally of core Al-Qaida and the Taliban. Although its current centre of gravity is inside Afghanistan, IMU is starting to use different branding or splinter groups to penetrate into Kyrgyzstan, Tajikistan and other Central Asian Member States. On 7 January 2015, the suspected leader of a cell of IMU and 10 alleged subordinates were detained in Tajikistan. Besides IMU, groups such as Hizb ut-Tahrir (not listed) and Jamaat Ansarullah (not listed) may be exploited by Al-Qaida for the radicalization and recruitment of foreign terrorist fighters.

21. ISIL perceives veterans from South and Central Asia as valuable assets and is trying to assimilate them into its own networks. On 10 January 2015, ISIL released a video announcing a pledge of allegiance to it by leaders of various groups in Afghanistan and Pakistan, including former TTP spokesman Abu Omar Maqbool (not listed). ISIL is also trying to establish a presence in Bangladesh and other countries in the region. On 18 January 2015, four suspected members of ISIL, including its coordinator in Bangladesh, were arrested in Dhaka.[17]

F. Al-Qaida affiliates in the Sahel and North Africa

22. Recent months have seen Al-Qaida affiliates in the Sahel and Maghreb engage in a period of restructuring and reorganization. After being dispersed across a range of countries and losing many fighters and much equipment owing to the French-led military intervention in Mali, groups in the region, including the Movement pour l'Unification et le Jihad en Afrique de l'Ouest (MUJAO) (QDe.134) and the Organization of Al-Qaida in the Islamic Maghreb (AQIM) (QDe.014), are seeking to rebuild a presence in northern Mali.

23. Efforts at expansion have been replaced by sporadic attacks against international forces in northern Mali, ranging from small-scale to complex attacks, for example, the 17 January 2015 attack against the United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA) in Kidal. To date, 46 members of MINUSMA have been killed because of terrorist attacks.[18] The relatively weak government presence in northern Mali makes international forces obvious targets for terrorist attacks. Meanwhile, Al Mourabitoun (QDe.141)

[15] "IMU representative defends group's approval of Peshawar school attack", *SITE Intelligence Group*, 24 December 2014.

[16] "TTP Leader Fazlullah Justifies Attack on Peshawar School in Video, Threatens More Operations", *SITE Intelligence Group*, 21 January 2015.

[17] "Four suspected ISIS men arrested", *The Daily Star*, 20 January 2015.

[18] See www.un.org/en/peacekeeping/missions/minusma/facts.shtml.

conducted a deadly attack in Bamako on 7 March 2015, the first by Al-Qaida affiliates in the capital.

24. The failure of Al-Qaida affiliates in northern Mali to generate popular support has led MUJAO and Ansar Eddine (QDe.135) to reach out to other communities in search of a social base. The picture is complicated by migration and the tendency of fighters to switch groups, influenced by leadership, capabilities and potential rewards. The individual influence of leaders such as Mokhtar Belmokhtar (QDi.136), Iyad Ag Ghali (QDi.316) and Abdelmalek Droukdel (QDi.232) is a major factor. In that context, it is worth noting that a significant number of MUJAO fighters continue to pledge allegiance to the group, despite its merger with Al Mouakaoune Biddam (QDe.139) ("Those Who Sign in Blood") to form Al Mourabitoun, while the core affiliates of Ansar Eddine are linked by tribal ties to Ag Ghali. In addition, the complex political divisions within Mali have been exploited by some fighters, who reportedly seek protection and cover within local groups advancing political claims in order to avoid being targeted by security forces.

25. One noticeable positive effect of the presence of international forces in the region has been the slowing down of direct communication between Al-Qaida affiliates. Another advantage has been the undermining of Ag Ghali's project to establish an entity based on violent extremist ideology in the Sahel region. The constraints placed on these groups may encourage alternative strategies.

26. The current geographical deployment of terrorist groups in northern Mali, concentrated in the Timbuktu-Gao-Kidal area,[19] is driven by tacit arrangements involving their respective leaderships and also by connections with criminal networks.[20] These links with organized crime pose a challenge to counter-terrorism efforts in the region.

27. Southern Libya continues to be a safe haven allowing terrorist groups to retreat, regroup and train and to plan and stage attacks in the Maghreb and Sahel regions. This is also a major factor in the increased activities of two Al-Qaida affiliates in Libya, Ansar al Charia Benghazi (QDe.146) and Ansar al Charia Derna (QDe.145). In addition to carrying out domestic attacks, both groups are active in training foreign terrorist fighters and dispatching them to the Sahel and the Middle East.[21] In October 2014, Ansar al Charia Derna pledged its allegiance to ISIL. Libya is significant in view of its geographical position at the crossroads between Europe, the Middle East, North Africa and the Sahel, the debilitating internal instability in the country, the erosion of counter-terrorism and governance capabilities, and the return — as well as the nurturing— of foreign terrorist fighters. It is unsurprising that the propaganda branch of ISIL has described Libya as a "strategic gateway to reach Africa and Europe".[22]

28. A campaign of deadly attacks continues to target local and foreign interests in Libya, as shown by the attack on the Corinthia hotel in Tripoli in January 2015 and the attacks against the Algerian and Iranian embassies in Tripoli, in January and

[19] While Al Mourabitoun and AQIM each have a presence north of Timbuktu, Ansar Eddine is present in the Kidal region and MUJAO in the Gao region.

[20] Information provided by Member States.

[21] Mali, in the case of Ansar al Charia Benghazi (QDe.146), and Iraq and the Syrian Arab Republic, in the case of Ansar al Charia Derna (QDe.145).

[22] "Jihadist explores Libya as 'strategic gateway' for IS to Africa and Europe", *SITE Intelligence Group*, 20 February 2015.

February 2015, respectively. Increasing ISIL-related activism in Libya has also been illustrated by the kidnapping and beheading of 21 Egyptian workers, shown in a video released on 15 February 2015. Meanwhile, neighbouring Tunisia has seen continuous attacks by Ansar al-Shari'a in Tunisia (QDe.143), in coordination with the Okba Ibn Nafi faction (not listed) of AQIM, the latest of which was the attack that targeted the Bardo Museum in Tunis on 18 March 2015, leaving 20 dead. Like its counterparts in Libya, Ansar al-Shari'a in Tunisia is involved in training foreign terrorist fighters heading to the Syrian Arab Republic. In Egypt, Ansar Bait Al-Maqdis (ABM) (not listed) has claimed responsibility for several bombings and assassinations targeting security forces and civilians in the past few months. In November 2014, a faction of ABM declared allegiance to Al-Baghdadi and rebranded itself as the Sinai province of ISIL. There are also indications that ABM plans to expand its activities in regions in Egypt outside Sinai.

G. Boko Haram

29. The past few months have seen a significant shift in Boko Haram's operational reach within Nigeria, with more frequent and more deadly incursions in neighbouring countries, as well as control over some 20,000 square kilometres of north-eastern Nigeria. However, their ability to maintain long-term control over a terrorized population and dominate a fixed territory will require heavier weaponry, access to natural resources and some ability to sustain a local population. The ongoing campaign against Boko Haram could see the group redirect itself, perhaps abandoning territory to again pursue hit-and-run attacks or seeking to work more closely with other Al-Qaida affiliates.

30. While Boko Haram has previously operated in Cameroon,[23] it has now initiated its first attacks in Chad and Niger.[24] This shift comes months after the announcement of the establishment of a Boko Haram "caliphate" in 2014,[25] followed by a declaration of allegiance to ISIL in March 2015, and it may represent the group's trying to find safe havens as a Nigerian and international campaign gathers pace.

31. In Nigeria, Boko Haram's attacks are gaining in intensity and cruelty, with a growing scale in terms of deaths[26] and damage.[27] In the meantime, Boko Haram's opaque structure and networked organization and operations remain a challenge for the region's countries. This coincides with an increased online propaganda presence[28] through the videos of Abubakar Mohammed Shekau (QDi.322). The group has also been varying its targets and tactics, which now include mass

[23] Isabelle Labeyrie, "Boko Haram, du Nigéria au Cameroun", *France Info*, 13 January 2015.

[24] "Nigeria: Boko Haram insurgency", Assessment Capacities Project briefing note, 20 January 2015.

[25] S/2014/770, para. 25.

[26] Monica Mark, "Boko Haram's 'deadliest massacre': 2,000 feared dead in Nigeria", *The Guardian*, 10 January 2015.

[27] "Boko Haram in Nigeria: international force mulled to fight insurgency; 3,700 structures were damaged or completely destroyed in militants attacks on two towns", *The Associated Press*, 15 January 2015.

[28] Mathieu Olivier, "Terrorisme: la communication de Boko Haram à l'âge de 'réseaux'?" *Jeune Afrique*, 3 March 2015.

kidnappings of vulnerable victims[29] along with repeated suicide and armed attacks. One noticeable trend in this regard has been the use of women and very young children in suicide attacks,[30] a cynical reflection of the group's disregard for humanity.

H. South-East Asia

32. In general, the threat posed by Al-Qaida associates has diminished in South-East Asia over the past decade owing to successful counter-terrorism operations by Governments in the region, which have resulted in the killing or incarceration of numerous key members of Jemaah Islamiyah (JI) (QDe.092), the Abu Sayyaf Group (ASG) (QDe.001), the Rajah Solaiman Movement (RSM) (QDe.128) and Jemmah Anshorut Tauhid (QDe.133). However, Al-Qaida's global ideology has endured in the region and has been energized by the conflicts in Iraq and the Syrian Arab Republic, which could result in a revival of Al-Qaida associates. One particular concern is that foreign terrorist fighters returning from Iraq and the Syrian Arab Republic could constitute the next generation of violent extremists in South-East Asia, as was the case with militants from the region involved in Afghanistan in the 1980s and 1990s.

33. Although greatly diminished in manpower, having shrunk to roughly 400 members,[31] ASG has persisted through the years and continues to be an active threat. It currently lacks a unifying, charismatic leader and is thus divided into factions. Of the senior ASG leadership, Isnilon Totoni Hapilon (QDi.204), who pledged allegiance to Al-Baghdadi, and Radulan Sahiron (QDi.208) remain at large.[32] Khair Mundos (not listed), a high-ranking financier, was arrested in 2014.[33] Violent clashes between government forces and ASG still occur on a regular basis,[34] and the group also engages in improvised explosive device attacks.[35] Furthermore, criminal activities such as kidnapping for ransom and extortion persist as the main source of funding of ASG.[36]

34. RSM, on the other hand, has been quieter, as most of its leaders (including a number of individuals on the Al-Qaida Sanctions List) are in prison. However, it would be premature to count RSM out entirely. After three of its members (two of whom were listed on the Sanctions List) were acquitted by a Philippine court in July 2014 and released, one (Ricardo Perez Ayeras (QDi.248)) was subsequently

[29] "Officials: Boko Haram kidnaps 185 women and children, kills 32 people". *CNN*, 18 December 2014.

[30] "Nigeria: une fillette de 7 ans commet un attentat-suicide, 5 morts", *Le Parisien*, 22 February 2015.

[31] Information provided by a Member State.

[32] Information provided by a Member State.

[33] Information provided by a Member State.

[34] See, for example, "Philippine troops attack 300 Abu Sayyaf militants, 7 killed", *Associated Press*, 25 February 2015; and "Philippines army and rebel clashes leave dozens dead", *Al Jazeera*, 28 February 2015.

[35] See, for example, "Three Philippine soldiers killed in Abu Sayyaf landmine attack", *Agence France Presse*, 4 March 2015; and Mario J. Mallari, "Troops assault IED factory of Abu Sayyaf in Basilan", *The Daily Tribune*, 12 November 2014.

[36] Information provided by a Member State.

rearrested for possessing explosives.[37] Furthermore, RSM continues to have followers, and the pledge of its jailed leader Hilarion Del Rosario Santos III (QDi.244)[38] to Al-Baghdadi could prompt others to join the group.

35. JI elements continue to be present in southern Philippines,[39] as exemplified by Zulkifli Abdul Hir (aka Marwan) (QDi.109), who was killed in a counter-terrorism operation in January 2015.[40] A relatively new group to watch is Khalifah Islamiyah (not listed), or the "black flag movement", which is an umbrella entity made up of very young members as well as elements of ASG, Bangsamoro Islamic Freedom Fighters (not listed) and JI elements.[41]

36. One major concern for the region is that JI, which has maintained a relatively low profile in recent years, appears to be reviving.[42] It is recruiting, training and consolidating.[43] For example, the group is reportedly recruiting professionals such as engineers, information specialists, medical personnel and technicians.[44] A revived JI, with its long-established networks, could pose a significant long-term threat to the region. Recent listings by the Security Council Committee pursuant to resolutions 1267 (1999) and 1989 (2011) concerning Al-Qaida and associated individuals and entities ("Al-Qaida Sanctions Committee") of JI-associated individuals and the involvement of a non-governmental organization in activities to support the recruitment and travel of foreign terrorist fighters to the Syrian Arab Republic are indicators of the current threat and examples of the outreach efforts of JI in the Syrian Arab Republic.[45]

37. Jemmah Anshorut Tauhid, which was formed by the co-founder of JI, the imprisoned Abu Bakr Ba'asyir (QDi.217), was split by Ba'asyir's pledge of allegiance to Al-Baghdadi. The split resulted in the establishment of a new group, Jamaah Ansharusy Syariah (not listed), by those who objected to the pledge.[46]

38. Abu Warda Santoso (not listed), the leader of Mujahidin Indonesia Timur (MIT) (not listed), remains at large and a major target for authorities.[47] MIT has reportedly been attacking civilians and police in Central Sulawesi Province.[48]

---

[37] Information provided by a Member State.

[38] Information provided by a Member State.

[39] Information provided by a Member State.

[40] Marwan was killed in January 2015 by Philippine government forces in an operation that also resulted in a high loss of life for Philippine forces. See "Presentation of the Board of Inquiry during the Senate hearing on the Mamasapano incident, February 9, 2015", made publicly available by the Government of the Philippines at www.gov.ph/2015/02/09presentation-board-of-inquiry-senate-hearing-mamasapano-february-9-2015/. The United States Federal Bureau of Investigation had marked Marwan as "deceased" on its "Most Wanted Terrorists" list.

[41] Information provided by a Member State.

[42] Information provided by Member States.

[43] Information provided by a Member State.

[44] Sidney Jones, "Counter-terrorism and the rise of ISIS in 2014", *Institute for Policy Analysis of Conflict*, 23 December 2014.

[45] Narrative summaries of Hilal Ahmar Society Indonesia (HASI) (QDe.147), Wiji Joko Santoso (QDi.350), Angga Dimas Pershada (QDi.348) and Bambang Sukirno (QDi.349).

[46] Information provided by a Member State.

[47] Information provided by a Member State.

[48] Anthony Kuhn, "Indonesian authorities worried about return of Islamic radicals", *NPR*, 24 February 2015.

Santoso also swore allegiance to Al-Baghdadi,[49] perhaps in an attempt to elevate the group's status and as a recruitment and fundraising tactic.

I. Al-Shabaab

39. Al-Shabaab[50] (SOe.001), the Al-Qaida affiliate in Somalia, continues to represent a major security threat in the Horn of Africa. Following the death of its leader Mukhtar Abu al-Zubeir (also known as Ahmed Abdi Godane) in an airstrike in September 2014,[51] the group has demonstrated that it is still capable of planning and carrying out attacks in Somalia. The group claimed responsibility for the attack on the African Union Mission in Somalia base as revenge for the killing of its former leader[52] and conducted a number of other terrorist attacks in Somalia.[53] In its continued effort to undermine allied military support for the Government of Somalia, Al-Shabaab has continued its attacks on Kenya[54] and has threatened to carry out further attacks in that country.[55]

40. The group also continues to call for further external attacks, against Canada, the United Kingdom of Great Britain and Northern Ireland and the United States of America, as well as Member States in East Africa. In a statement issued on 20 January 2015,[56] it praised the AQAP attack on *Charlie Hebdo* in Paris and warned "France and those who tread her course about the implication of their hostility towards Islam and the consequences of their oppressions and belligerence against Muslims". In a more recent video on the Westgate Mall raid,[57] distributed on Twitter on 21 February 2015, Al-Shabaab reiterated its intent to conduct more attacks against Kenyan, Western and Jewish-owned shopping centres across the world. While it does not appear that Al-Shabaab has the capacity to carry out attacks outside the region, the call for more attacks should not be taken lightly.

III. Next steps

41. The scale of the digital threat linked to radicalization, together with the need for concerted action on countering violent extremism, calls for further action by the Security Council. It also indicates that there would be value in reviewing what

---

[49] "MIT leader Abu Warda Santoso reiterates pledge to IS, Baghdadi", *SITE Intelligence Group*, 24 July 2014.

[50] Currently listed on the 1844 Sanctions List.

[51] See, for example, "United States confirms Al-Shabaab leader's death", *Al Jazeera*, 6 September 2014.

[52] See, for example, Omar Nor, Mohammed Tawfeeq and Susanna Capelouto, "Al-Shabaab: attack on base was revenge for United States airstrike", *CNN*, 26 December 2014.

[53] For example, the car bombings at Central Hotel in Mogadishu on 20 February 2015, which killed and wounded government and security service officials. See Abdi Sheikh and Feisal Omar, "Suicide attack targets Somali officials in hotel, kills 10 people", *Reuters*, 20 February 2015.

[54] For example, the attack on a Kenyan mine. See "Gunmen kill dozens in attack on Kenya mine", *Al Jazeera*, 2 December 2014.

[55] "Shabaab releases video on June 2014 attacks in Mpeketoni and Poromoko in Kenya", *SITE Intelligence Group*, 3 March 2015.

[56] "Shabaab praises attack on Charlie Hebdo in Paris, calls Muslims in Europe to launch similar strikes", *SITE Intelligence Group*, 20 January 2015.

[57] "Shabaab releases video on Westgate Mall raid, threatens more attacks", *SITE Intelligence Group*, 21 February 2015.

effects the current sanctions regime has, with a view to adapting the regime to the changing threat. This is reflected in the recommendations set out below.

42. **The Team recommends that the Committee request the Security Council, given the global urgency of countering violent extremism and the extensive threat that Al-Qaida-associated terrorism poses to Member States, to encourage the concept of a United Nations summit on countering violent extremism that would support the continuing efforts by the General Assembly and the Security Council to address that challenge.**

43. **The Team recommends that the Committee include, in a communication to each Member State in September 2015, a questionnaire seeking information by the end of March 2016 on what the effects of the Security Council's Al-Qaida sanctions have been in that country, including specific information on assets frozen, travel by listed individuals intercepted or discovered, and arms transfers to listed individuals and entities disrupted.**

44. **The Team recommends that the Committee invite relevant Internet and social media companies to brief the Committee on their efforts to respond to the exploitation of their services by Al-Qaida and associates, including the Islamic State in Iraq and the Levant, in 2015.**

IV. Legal challenges to the sanctions regime

45. The January 2015 judgement of the General Court of the European Union in *Abdulrahim*[58] demonstrates that European Union courts have no interest in reversing course following the momentous decision of the Court of Justice of the European Union in *Kadi II*.[59] As stated in the sixteenth report of the Team, the *Kadi II* decision left unanswered the quantum of evidence that European Union authorities would need to present to satisfy European Union courts that the allegations against the listed person have been adequately substantiated. The European Union authorities provided some documents to support the reasons for the listing of Mr. Abdulrahim to the General Court, unlike in the *Kadi II* case, in which no substantiating information was provided. However, the Court made clear in the *Abdulrahim* decision that the documents provided by European Union authorities were woefully insufficient (especially because they post-dated the actual listing and therefore could not have been taken into account in assessing whether to freeze Mr. Abdulrahim's assets),[60] thus signalling that European Union courts require more substantial and timely evidence than may have been envisaged following the *Kadi II* decision. Although the decision provided a better sense as to how European Union courts will approach evidence submitted by European Union authorities, it remains to be seen just how much and what type of evidence will be regarded as adequate.

[58] Judgement of the General Court (Third Chamber), case T-127/09 RENV, *Abdulrahim v. Council and Commission* ("*Abdulrahim* judgement"), 14 January 2015.

[59] Judgement of the Court of Justice of the European Union (Grand Chamber), joined cases C-584/10 P, C-593/10 P and C-595/10 P, *Commission, Council, United Kingdom v. Kadi*, 18 July 2013.

[60] *Abdulrahim* judgement, para. 90.

46. Mr. Abdulrahim was listed on the Sanctions List in 2008 for, among other reasons, his alleged involvement in fundraising on behalf of the Libyan Islamic Fighting Group (LIFG) (QDe.011), a group that has been on the List since 2001. Mr. Abdulrahim was delisted in 2010[61] from the Sanctions List and subsequently from the European Union list. However, in an earlier decision, the European Court of Justice had found that despite being delisted from the European Union list, Mr. Abdulrahim retained an interest in having European Union courts recognize that he should not have been included on that list in the first place.[62] As a result, the case continued, resulting in the annulment of Mr. Abdulrahim's European Union listing. In its decision, the General Court went through the allegations individually and found that each was either insufficiently detailed to meet the obligation to state reasons or not substantiated, especially in the light of the detailed rebuttals by Mr. Abdulrahim.[63] The Court also considered separately each piece of supporting information provided by the Commission and found each to be wanting,[64] thus making clear that it will not take a holistic approach to the evidence produced in support of the listing.

47. It is also worth noting that the General Court drew attention to judgements by British courts refusing "to find that the fact that an individual was linked to the LIFG automatically proves that the individual was linked to Al-Qaida ... In such circumstances, the mere proven fact that Mr. Abdulrahim was a member of the LIFG, for the period when he accepts that he was a member, was not capable of justifying the imposition, at the European Union level, of restrictive measures on him, as a person linked to Al-Qaida".[65] The Court goes on to state, "In this case, there is no information to be extracted from the summary of reasons from which it is possible to establish to the requisite legal standard that Mr. Abdulrahim was materially linked to Al-Qaida on the date when he was listed in the list at issue."[66] The Court's focus on a material link to Al-Qaida is unduly restrictive, as the Al-Qaida sanctions regime does not require every listed person to have a material link to Al-Qaida; eligibility for inclusion on the Sanctions List also includes supporting acts or activities of any cell, affiliate, splinter group or derivative of Al-Qaida,[67] such as LIFG (a listed group). Mr. Abdulrahim had been delisted by the United Nations and the European Union long before the January decision; however, there is one pending case and one potential case at the European Union level relating to individuals who remain on the List.[68]

48. On a related note, the Council of the European Union recently approved new rules of procedure of the General Court, which, among other amendments, provide for a mechanism for the General Court, in limited circumstances, to consider

[61] "Security Council Al-Qaida and Taliban sanctions Committee approves deletion of three entries from Consolidated List, amendments to 17 entries", 23 December 2010.

[62] Judgement of the Court of Justice of the European Union (Grand Chamber), case C-239/12 P, *Abdulrahim v. Council and Commission*, 28 May 2013.

[63] *Abdulrahim* judgement, para. 83.

[64] Ibid., paras. 90-96.

[65] Ibid., paras. 80 and 82.

[66] Ibid., para. 89.

[67] See para. 2 of resolution 2161 (2014). Furthermore, the Security Council "Confirms that any individual ... otherwise supporting, any individual, group, undertaking or entity associated with Al-Qaida, including on the Al-Qaida Sanctions List, shall be eligible for listing" (para. 4).

[68] Both cases were discussed in the Team's sixteenth report. The pending case concerns Mohammed al Ghabra (QDi.228), and the potential case concerns Hani al-Sayyid al-Sebai Yusif (QDi.198).

confidential information without communicating it to the other party, such as an applicant challenging the imposition of sanctions.[69] To balance the rights of the sanctioned person, in circumstances (expected to be rare) in which the General Court will take into account such confidential evidence without communicating it to the other party, the Court will have to bear in mind that the sanctioned person did not have the opportunity to rebut the evidence at issue.[70] This new mechanism, which is a major achievement, was drafted in response to the ruling in *Kadi II* and is intended to strengthen the ability of European Union authorities to defend sanctions cases, as the lack of a procedure enabling European Union courts to consider confidential information without disclosing it to the other party has been cited as a significant impediment. However, the new mechanism will be beneficial only if States are willing to use it. Accordingly, the United Kingdom's decision to abstain from the vote to approve the rules in the Council, owing to the absence of safeguards, such as the ability to withdraw the confidential information at any time during the proceedings and a provision for "security checking of judgments and orders to prevent accidental disclosure of information",[71] could be telling. The United Kingdom also noted that the absence of such safeguards will limit the types of information that the United Kingdom is able to submit,[72] thereby portending that the new rules may not be quite the panacea that was hoped for.

V. Sanctions measures

A. Assets freeze

49. In recent years, significant amounts of resources have been applied by Member States around the globe to safeguard the international financial system from abuse by terrorists, including Al-Qaida and those associated with it. In order to circumvent the global counter-terrorism financing efforts, terrorists have come up with innovative ways — both legal and illegal — to raise, move and store funds to support their activities. The collection and sharing of information help the relevant authorities to understand the terrorist financing landscape and how to combat and disrupt the flow of funds. Much effort has been focused on the gathering of financial intelligence from the financial services sector and from designated non-financial businesses and professions through the mandatory reporting of suspicious transactions.

50. However, the recent funding activities carried out by ISIL by means of direct and indirect trade in oil and oil products indicate that other businesses may be potentially vulnerable to abuse for terrorist financing purposes. Moreover, according to a recent report,[73] the non-profit organization sector continues to be abused for terrorist financing purposes. **Building on paragraph 13 of resolution 2161 (2014), the Team recommends that the Committee urge Member States to take appropriate measures, in accordance with domestic laws and practices, (a) to**

[69] "Rules of Procedure of the General Court", Official Journal of the European Union, L105/1. The Team discussed a prior draft of the rules in its sixteenth report.

[70] Ibid., title III, chap. 7, art. 105, para. 8.

[71] United Kingdom declaration on the rules of procedure of the General Court, available from http://europeanmemoranda.cabinetoffice.gov.uk/files/2015/02/UK_declaration_on_General_Court_Rules.docx.

[72] Ibid.

[73] Financial Action Task Force, "Risk of terrorist abuse in non-profit organizations", June 2014.

promote public awareness of the threat posed by Al-Qaida and associates and of the obligation to ensure that no funds, financial assets or economic resources are made available directly or indirectly for the benefit of Al-Qaida and those associated with it, and (b) to encourage non-profit organizations, other groups and businesses outside the financial and designated non-financial businesses and professions sectors, and the general public, to report, including anonymously, suspicious terrorist financing activities related to Al-Qaida and associates to relevant authorities.

51. Many Member States continue to focus on financial assets and financial institutions when discussing the implementation of the assets freeze. In its engagement with Member States, the Team has been underscoring the much broader obligation to freeze economic resources, including assets of every kind. In fact, a terrorist's most valuable asset may be immovable property. In that context, in paragraph 13 of resolution 2161 (2014), the Security Council encourages Member States to urge that their respective company, property and other relevant public and private registries regularly screen their available databases against the Sanctions List. However, there may be very practical obstacles to such screening. A recent report by the World Bank indicates that property titles are kept exclusively in paper format in 62 economies and that only 50 per cent of "economies around the world have an electronic database for rights and encumbrances".[74] Without searchable electronic files, screening for property that may belong to a listed party is very difficult if not impossible. Furthermore, not having electronic databases for encumbrances makes it difficult to ascertain whether a property is subject to a limitation, such as an assets freeze, that would prevent its sale or other dealing. Thus, there continue to be very practical obstacles frustrating the effective implementation of the assets freeze.

52. Since the issuance of its report on ISIL and ANF (S/2014/815), which included a section on financing, the Team has continued its engagement on this issue. It presented on this issue at an expert seminar on ISIL financing held in Brussels and was part of the project team for the recently published, comprehensive report of the Financial Action Task Force (FATF) on the financing of ISIL.[75] The Team's cooperation with FATF continues to be important, especially given the renewed focus of FATF on terrorist financing.[76]

B. Advancing targeted sanctions: basic expenses

53. The Al-Qaida sanctions apply to both listed entities and listed individuals. One of the recurring challenges of targeted sanctions is finding new ways to advance their implementation. Making sanctions smarter, and measuring their impact, are constant challenges. The Team has identified one area in which, it believes, the Al-Qaida Sanctions Committee could further hone both the impact and the effectiveness of targeted sanctions.

---

[74] World Bank Group's *Doing Business* collected data in 170 economies "on the reliability, transparency and coverage of land registration systems". See World Bank Group, *Doing Business 2015: Going Beyond Efficiency*, pp. 60 and 61.

[75] Financial Action Task Force, "Financing of the terrorist organization Islamic State in Iraq and the Levant", February 2015.

[76] Financial Action Task Force, "FATF action on terrorist finance", 27 February 2015.

54. The assets freeze requires Member States to freeze, without delay, assets linked to a listed entity or individual. There are no exceptions, but a humanitarian exemption regime was included in the original resolution[77] and developed in resolution 1452 (2002). It provides for a specific exemption to the assets freeze for selected categories of basic, legal and administrative expenses.[78] However, the exemption applies only when a Member State has previously notified the Committee of its intent to apply the exemption and the Committee has not responded negatively within three working days.

55. Exemptions apply to only 32 of the individuals currently listed. Between 2003 and 2014, there were a total of 148 requests for exemptions to the assets freeze.[79] It makes sense that not all listed individuals would have an exemption application associated with their listing, as some of them are on the run, with their location, situation and finances unknown. However, in cases in which the current locations of the listed individuals are known and they are not imprisoned, it is difficult to understand how they can operate without any exempted finances. How do they eat? How do they pay for accommodation or, if they own property, cover utility expenses alone?

56. Under such circumstances, a legitimate question to ask is whether the State of residence is properly and fully implementing the Al-Qaida sanctions obligation. If the State of residence is allowing expenditure in breach of the assets freeze, without pre-notifying the Al-Qaida Sanctions Committee, that could constitute a breach of the obligations under the Al-Qaida sanctions regime.

57. Improved transparency with regard to basic expenses could support stronger national implementation of the assets freeze. **The Team recommends that the Committee write to relevant Member States by September 2015, highlighting the exemption procedures and including a questionnaire on whether and how the States use exemption procedures in their implementation of the assets freeze, seeking a response by March 2016.**

C. Travel ban

58. Listed individuals as well as facilitators of listed entities continue to depend on uninhibited global travel in order to coordinate their activities, raise funds and plan attacks. The growing problem of foreign terrorist fighters highlights the centrality of that problem.

59. With the travel ban against listed individuals, the Al-Qaida sanctions regime has a powerful tool at its disposal to disrupt the capability of listed individuals to freely move internationally. Following various recommendations made by the Team, the Committee agreed on a range of technical improvements in the course of 2014 concerning the provision of data on listed individuals.[80] The Team, in coordination

[77] Resolution 1267 (1999), para. 4 (b).

[78] See para. 1 (a) of resolution 1452 (2002) as amended by para. 15 of resolution 1735 (2006).

[79] According to data maintained by the secretariat of the Al-Qaida Sanctions Committee, between 2003 and 2014 there were 137 requests for exemptions to the assets freeze under para. 1 (a) of resolution 1452 (2002) and 11 requests under para. 1 (b), for a total of 148 requests.

[80] S/2014/770, paras. 60 and 61.

with the Committee, will continue its work to increase the quality and specificity of identifying information with regard to individuals listed on the Sanctions List.

60. One of the most significant changes that occurred during the reporting period was the growing amount of new biometric data made available by Member States for inclusion in the INTERPOL-United Nations Security Council Special Notices. This involves pictures but also, increasingly, fingerprints. Following a recommendation made by the Team, the Al-Qaida Sanctions Committee sent a specific request concerning biometric information to relevant Member States in August 2014. That development, in combination with the Secretariat's efforts connecting the Special Notices to other notices in the INTERPOL databases, increasingly transforms the Special Notice into a "one-stop" document for Member States on listed individuals. The Team continues to raise awareness of that instrument during its visits to Member States.

61. However, it was during such visits that the Team became aware that INTERPOL does not yet offer an alert mechanism for amendments or changes to the content of the Special Notices comparable to the press releases published by the Secretariat for each amendment to the Sanctions List. Therefore, while Member States are increasingly aware of the existence of the Special Notices, Member States must constantly check all Special Notices in order to ensure that the latest version is uploaded in their national systems, as there is no notification system. Informing Member States of new amendments or additions to the Special Notices would facilitate that process and ensure that all relevant authorities are aware of the most up-to-date information that the Special Notices provide.

62. **The Team recommends that the Committee, in cooperation with the Team and the Secretariat, write once a year to all Member States, listing the names of listed individuals with respect to whom new information (including biometric information) is available on the Special Notices.**

D. Arms embargo

63. In recent months, the Team has noted increased access to conventional weapons on the part of some groups, achieved either by using existing stocks stolen from Governments or by diverting recent supplies, in particular in Libya. The Team has been informed of the "arrival" of arms in Libya that are not from the previous, Qaddafi-era stores. Member States have also told the Team about the types of light and heavy weapons that are in the hands of terrorist groups (for example, anti-aircraft guns and man-portable air defence systems).

64. The continuing development of new terrorist explosive designs poses a challenge. Some have increasingly used magnetic improvised explosive devices in attacks. The combined use of improvised explosive devices and mines[81] against military and United Nations convoys is seen increasingly in the Sahel. In Iraq, ISIL repeatedly uses booby-trapped cars and suicide bombers.

65. The arms embargo continues to encounter a number of challenges, including lack of knowledge on the part of Member States about the types and volumes of weapons being supplied to listed terrorist groups, capacity challenges with regard to

[81] For example, PRB-M3 (a type of ant-tank mine).

tackling weapons-trafficking and weak or absent record-keeping. The need to track and record lost or stolen military materials, highlighted in the Team's previous report, remains evident in 2015. Member State officials have also flagged needs for more specific counter-improvised explosive device strategies and training.[82] This includes identifying not only improvised explosive device components and chemical and dual-use materials, but also investigative techniques that permit the full exploitation of information after attacks.[83] Regarding the threat, some countries have established and enforced regulations or voluntary best practices to enable industry to closely monitor and control sensitive materials. Some Member States report that they continue to experience difficulty in controlling the diversion of commercial components by terrorists. Some Governments have already made specific import/export decisions and passed on the appropriate instructions to the military or other competent authorities, but encounter difficulties in implementing controls on the ground.

66. **The Team recommends that the Committee write to Member States to raise awareness that electric detonators are particularly vulnerable to being misused by Al-Qaida and associates.**

67. The Team continues to work on raising awareness among Member States about the risk posed by diverted commercial components that can be used to manufacture improvised explosive devices (in particular detonators, detonating cords and fertilizers) in a variety of industrial applications.[84] In addition to participating in working groups related to improvised explosive devices in 2014, the Team has initiated discussions with specialized ministries of Member States (for example, ministries of mines), non-profit organizations and INTERPOL. The Team is involved in the Group of Experts established under the amended version of Protocol II to the Convention on Certain Conventional Weapons[85] and with other expert panels. The Team has also developed contacts with the United Nations Mine Action Service, in particular its mentorship initiatives on improvised explosive device disposal support and training. The Service-led technical assistance and support projects in Mali and Somalia are noteworthy, in particular in providing expert advice and technical support (training, mentoring and equipping) not only to peacekeepers, but also to security and defence forces.

68. **The Team recommends that the Committee write to Member States to highlight the growing value of assistance from the United Nations Mine Action Service in relation to improvised explosive device disposal activities in order to raise awareness of its activities to support national authorities in mitigating the threat posed by improvised explosive devices.**

---

[82] As at 27 March 2015, 48 individuals were listed, inter alia, on the basis of involvement in using, or supplying precursors used to manufacture, improvised explosive devices or providing training on the use of such devices.

[83] For example, collecting and analysing DNA, particularly after suicide bomber attacks.

[84] In para. 14 of resolution 2161 (2014), the Security Council encouraged Member States "to share information, establish partnerships, and develop national strategies and capabilities to counter improvised explosive devices".

[85] Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices as Amended on 3 May 1996 annexed to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects of 10 October 1980.

E. Monitoring Team activities

69. The Team has responded to its expanded mandate, actively supporting the Al-Qaida Sanctions Committee by restructuring its work to focus on foreign terrorist fighters,[86] and has carried out specific mandated tasks, for example, in contributing information on the links between organized crime and terrorism[87] and developing more intensive work streams on Boko Haram. The Team has done this with no change in its resources, which continue to consist of eight experts supported by nine Secretariat staff. The Team notes that the Security Council drew directly on its report on ISIL and ANF issued in November 2014[88] in formulating and negotiating resolution 2199 (2015).

70. From October 2014 to March 2015, the Team conducted 20 country and technical visits, including to Afghanistan, Belgium, France, Germany, Kyrgyzstan, Mali, Morocco, Oman, Pakistan, the Russian Federation, the Syrian Arab Republic, Tajikistan, Turkey, the United States and Uzbekistan. From 22 to 24 October 2014, the Team held the fourth regional meeting of intelligence and security services of South-East Asian countries, in Bangkok. Seven countries participated in discussions on the Al-Qaida threat in South-East Asia and how to maximize the potential of the Al-Qaida sanctions regime as a counter-terrorism tool in the region.

71. During the reporting period, the Team continued to promote the Al-Qaida sanctions regime and activities of the Committee through its participation in 31 conferences, workshops and other meetings, including those of the International Civil Aviation Organization, the World Customs Organization, the Financial Action Task Force, the Ditchley Foundation, the Marrakech Security Forum, INTERPOL, the United Nations Educational, Scientific and Cultural Organization, the United Nations Office on Drugs and Crime, the European Union, the Global Counterterrorism Forum and the Organization for Security and Cooperation in Europe. The Team remains an active member of the Counter-Terrorism Implementation Task Force, participating in six of its working groups. It continues to maintain close relations with the Counter-Terrorism Committee Executive Directorate and the Terrorism Prevention Branch of the United Nations Office on Drugs and Crime. This has included multiple meetings with the Counter-Terrorism Committee Executive Directorate, at which the Team has shared its analysis on foreign terrorist fighters in order to facilitate the work of the Directorate to identify national capacity gaps.

72. In order to maximize resources and save money, the Team organized multiple visits combining, where possible, country visits to various Member States, conferences, workshops and meetings, thus obviating the need for 18 international return flights from New York. In addition, the Team is currently realizing cost savings on its operating budget in the region of $200,000, which it expects to be returned to Member States at the end of 2015.

[86] Resolution 2178 (2014).
[87] Resolution 2195 (2014).
[88] S/2014/815 (2014).

F. Al-Qaida Sanctions List

73. During the period from 1 October 2014 to 31 March 2015, 10 individuals were added to the Sanctions List and 6 were removed, with 2 entities added and 1 removed. As at 31 March 2015, there were 234 individuals and 71 entities on the List. There are growing signs that Member States, in proposing listings, are taking on board the value of a strategic approach to listings, focusing on key foreign terrorist fighter facilitators, propagandists and financiers.

74. The Security Council has mandated the Team[89] to work with the Secretariat to standardize the format of all United Nations sanctions lists so as to facilitate implementation by national authorities.[90] The Secretariat now issues all sanctions lists in a format similar to that of the pre-existing Al-Qaida Sanctions List and has created the Consolidated United Nations Security Council Sanctions List, which includes all individuals and entities subject to sanctions measures imposed by the Security Council.[91] The Consolidated List is provided as .xml, .html and .pdf files. Each entry has a permanent reference number based on a two-digit International Organization for Standardization (ISO) code and a sequential number. The Secretariat can be contacted on sanctions list issues through sc-sanctionslists@un.org.

75. As from 1 March 2015, the Sanctions List is no longer available in its pre-existing format and the new Consolidated List format is the only one published.[92] This change is in line with previous recommendations of the Team to modify the permanent reference number, which were approved by the Committee.[93]

76. The Secretariat is in the process of further amending the current .xml format of the Sanctions List to allow for the production of all sanctions lists in all official United Nations languages pursuant to paragraph 39 of resolution 2161 (2014). It is expected that several other format changes already approved by the Committee will be implemented simultaneously.

77. In the twenty-fourth preambular paragraph of resolution 2161 (2014), the Security Council again encouraged the Secretariat, with the assistance of the Team, as appropriate, to continue its work to implement the data model approved by the Al-Qaida Sanctions Committee in 2011. In January 2015, the United States

---

[89] Resolution 2161 (2014), annex I, para. (cc).

[90] Effective implementation of the Al-Qaida and other sanctions regimes relies on the accurate and effective transmission of the information contained in the sanctions list across a wide range of official and private sector actors. One of the major negative consequences of the inaccurate organization and transfer of data is the large numbers of false positives, which undermine effective implementation because labour-intensive secondary checks are necessary to clear them. Even more important is the risk of false negatives.

[91] According to the Consolidated List website, "The inclusion of all names on one Consolidated List is to facilitate the implementation of the measures, and neither implies that all names are listed under one regime, nor that the criteria for listing specific names are the same"; see www.un.org/sc/committees/consolidated_list.shtml.

[92] See www.un.org/sc/committees/1267/aq_sanctions_list.shtml; a detailed explanation of how the referencing system has been changed is available from www.un.org/sc/committees/1267/changes_newlist_format.shtml.

[93] In 2009, the Team proposed to drop the alphabetic identifier from the permanent reference number and to order the Consolidated List sequentially, i.e., in the order of listing. The Team later also recommended that the Committee drop the year of listing from the permanent reference number because the date of listing is available in the List entry. Those recommendations were approved by the Committee.

Department of the Treasury released a new format for the Office of Foreign Assets Control Specially Designated Nationals and Blocked Persons List, which is based on the format approved by the Committee in 2011, thus becoming the first Member State to implement this advanced sanctions data model.[94]

78. The Team welcomes these efforts by the Secretariat, while noting the crucial importance of maintaining a fully accurate list that continues to meet the requirements of Member States and users in the financial sector. The Team will continue to track progress on the implementation of these changes. The Team, however, believes that further reforms to the List need to be introduced in order to enhance its quality and usability.

79. The first of these reforms relates to the need to include photographs of listed individuals where possible. While the INTERPOL-United Nations Security Council Special Notices can include photographs, not all Member States have immediate access to the INTERPOL database, in particular at border posts. **Given the growing threat posed by foreign terrorist fighters and the increasing need to tackle false identification documents, the Team recommends that the Committee, in the light of the importance of circulating photos of listed individuals, explore options for including photos in the List itself by commissioning an options paper by September 2015 from the Team, with input from the Secretariat, on how photos could be integrated into the Sanctions List.**

80. The second reform relates to the ordering of the List, which is not currently generated in a structured order that makes immediate sense to users. **The Team, in order to improve ease of access to and use of the List, recommends that the Committee request the Secretariat to organize the list entries of individuals and entities on the Al-Qaida Sanctions List in numerical order by permanent reference number.**

G. Website of the Al-Qaida Sanctions Committee

81. The website of the Al-Qaida Sanctions Committee, as a crucial communications tool, needs to be modern, clear and, where possible, jargon-free. The Team raised this issue in its fourteenth report (S/2013/467). A modernized website had not been implemented as of March 2015, with delivery once again delayed, this time until June 2015. The Team notes the importance of delivering on this acknowledged government and public interest, with more than 808,000 hits on the Committee website in 2014.

H. Feedback

82. The Team welcomes feedback on the present report through 1267mt@un.org.

[94] See www.treasury.gov/resource-center/sanctions/OFAC-Enforcement/Pages/20150105.aspx.

Annex

Litigation relating to individuals and entities on the Al-Qaida Sanctions List

1. The legal challenges involving individuals and entities on the Al-Qaida Sanctions List, or whose names the Committee has removed therefrom, known to the Team to be pending or to have been recently concluded are described below.

European Union

2. The General Court of the European Union ruled in favour of Abdulbasit Abdulrahim (delisted) on 14 January 2015 by annulling the relevant European Union regulation, in so far as it concerns sanctions against him.[a] Although Mr. Abdulrahim had been delisted by the United Nations and the European Union in 2010 and 2011, respectively, the Court of Justice of the European Union had previously found that he nonetheless retained an interest in continuing his action for annulment.[b]

3. On 21 March 2014, the General Court decided partially in favour of Hani al-Sayyid al-Sebai Yusif (QDi.198) by holding that the European Commission had failed to remedy procedural deficiencies in its administrative review of the inclusion of his name on the list of persons, groups and entities subject to restrictive measures.[c]

4. The action brought by Mohammed al Ghabra (QDi.228) against the European Commission seeking annulment of the restrictive measures adopted against him remains pending before the General Court.[d]

5. The action brought by Sanabel Relief Agency Limited (delisted), among others, against the European Commission remains pending before the General Court.[e]

6. The action brought by Shafiq ben Mohamed ben Mohamed al-Ayadi (delisted) is also pending before the General Court after it was referred back by the Court of Justice on appeal.[f] The Court of Justice found that, despite being delisted, he retained an interest in having European courts recognize that he should have never been included on the list in the first place.[g]

Pakistan

7. The action brought by the Al Rashid Trust (QDe.005) against the application of the sanctions measures against it remains pending in the Supreme Court of

[a] Judgement of the General Court of the European Union, case T-127/09 RENV, *Abdulrahim v. Council and Commission*, 14 January 2015.

[b] Judgement of the Court of Justice of the European Union (Grand Chamber), case C-239/12 P, *Abdulrahim v. Council and Commission*, 28 May 2013.

[c] Judgement of the General Court of the European Union, case T-306/10, *Yusef v. Commission*, 21 March 2014.

[d] Case T-248/13, *Al-Ghabra v. Commission*.

[e] Case T-134/11, *Al-Faqih and Others v. Commission*.

[f] Case T-527/09 RENV, *Ayadi v. Commission*.

[g] Judgement of the Court of Justice of the European Union (Tenth Chamber), case C-183/12 P, *Ayadi v. Commission*, 6 June 2013.

Pakistan on appeal by the Government from an adverse decision in 2003. The similar challenge brought by Al-Akhtar Trust International (QDe.121) remains pending before a provincial high court.[h]

8. In addition to the two cases mentioned above, a trustee of Pakistan Relief Foundation (listed as an alias of Al-Akhtar Trust International) has challenged the freezing of his bank account. The case was fixed for initial hearing on 1 September 2014.[i]

United Kingdom of Great Britain and Northern Ireland

9. The United Kingdom of Great Britain and Northern Ireland is currently defending a judicial review challenge to its decision-making with regard to the designation under the Al-Qaida sanctions regime of Hani al-Sayyid al-Sebai Yusif (QDi.198), who resides in the United Kingdom. The decision of the Foreign Secretary to allow the claimant's name to be added to the list of persons subject to the Al-Qaida sanctions regime was upheld by the Court of Appeal on 29 October 2013. The Supreme Court has given leave to appeal, which is listed for hearing on 1 and 2 July 2015.[j]

10. The United Kingdom is also defending judicial review challenges to its decision-making with regard to the designations under the Al-Qaida sanctions regime of Abdulbasit Abdulrahim, Abdulbaqi Mohammed Khaled and Maftah Mohamed Elmabruk (all delisted). These cases were stayed pending the outcome of the *Yusif* case discussed above.[k]

[h] Information provided by Pakistan.
[i] Information provided by Pakistan.
[j] Information provided by the United Kingdom.
[k] Information provided by the United Kingdom.